

Notice of Allowability

Application No.

09/784,493

Examiner

EDMUND H. LEE

Applicant(s)

GROSZ ET AL.

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/8/04.
2. ☒ The allowed claim(s) is/are 1-27 and 31-34.
3. ☒ The drawings filed on 26 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 07222004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EDMUND H. LEE
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Nabinger on 7/22/04.

The application has been amended as follows:

In the specification:

Pg 2, In 10: the blank has been replaced with --09/784487, now U.S. Patent No. 6723269--.

Pg 15, In 20: the blank has been replaced with --09/784487, now U.S. Patent No. 6723269--.

In the claims:

CI 1, In 10: the phrase --at least partially solidified-- has been inserted after "the" (second occurrence); and the phrase --without mixing with the at least partially solidified first composition-- has been inserted after "delivery".

CI 15, In 9: the phrase --at least partially solidified-- has been inserted after "the" (second occurrence); and the phrase --without mixing with the at least partially solidified first composition-- has been inserted after "delivery".

The following claims 33 and 34 have been added:

--33. A method of manufacturing an antiperspirant or deodorant product within a container having an application end and an opposite end, the product having an application surface adjacent the application end, the method comprising:

(a) delivering a first composition in fluid form through the opposite end of the container to a mold cavity that is defined at least in part by the container, the mold cavity including a removable insert;

(b) allowing the first composition to at least partially solidify;

(c) removing the insert from the cavity to provide a space; and

(d) delivering a second composition in fluid form to the space that was occupied by the insert, the second composition contacting the at least partially solidified first composition after delivery;

wherein at least one of the first and second compositions includes an antiperspirant salt and/or a deodorant active ingredient,

wherein the insert includes a flange that fits securely within the opposite end of the container, the flange having a taper to allow the insert to be easily removed.

34. The method of claim 33 wherein the first composition and second composition are different colors.--

2. The following is an examiner's statement of reasons for allowance: the prior art of record neither teaches nor renders obvious all of the claimed limitations including a second composition contacting an at least partially solidified composition without mixing

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with the at least partially solidified first composition. In regard to claims 33 and 34, the prior art of record neither teaches nor renders obvious all of the claimed limitations including an insert including a flange that fits securely within an opposite end of a container, wherein the flange has a taper to allow the insert to be easily removed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

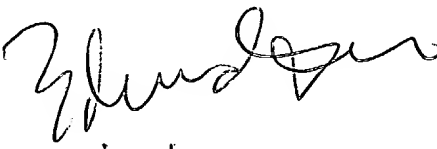
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EDMUND H. LEE
Primary Examiner
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EHL



7/26/04